

Remarks

The above Amendments and these Remarks are in reply to the Final Office Action mailed February 19, 2003.

Claims 25-92 were pending in the Application prior to the outstanding Office Action. The above Amendment cancels claim 61 without prejudice or disclaimer of the invention therein. Applicants reserve the right to pursue claim 61 in a continuation application. Claims 25-60 and 62-92 remain pending. Applicants believe that the present Response puts the remaining claims in condition for allowance, and respectfully request indication of the same by the Examiner.

I. Re-submission of Previously Submitted Information Disclosure Statement

On October 8, 2003, Applicants submitted an Information Disclosure Statement (IDS) for the Examiner's consideration, as evidenced by the copy of the date stamped postcard attached hereto. Applicants are now resubmitting the IDS that was previously filed on October 8, 2003, and request that the Examiner initial the PTO-1449 forms, indicating consideration of the documents.

II. Submission of Additional Information Disclosure Statement

In addition to resubmitting the previously submitted IDS, Applicants are also submitting an additional IDS for the Examiner's consideration. Applicants respectfully request that the Examiner initial the corresponding PTO-1449 forms, indicating consideration of the additional documents. A check for \$180 is enclosed in accordance with 37 C.F.R. § 1.17(p).

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III. Claim Rejection under 35 U.S.C. § 112, second paragraph

Applicants thank the Examiner for indicating that the rejections of claims 35, 37 and 54 under 35 U.S.C. § 112, second paragraph, have been withdrawn. No claims remain rejected under 35 U.S.C. § 112, second paragraph.

IV. Double Patenting Rejections

Claims 25-26, 28, 38, 40, and 42 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 7-8, 12-13 and 17-18 of co-pending application, Serial No. 09/897,267. The '267 application has been abandoned. Thus, the double patenting rejection based on the '267 patent is now moot.

Claims 25-26, 28, 38, and 41-43 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, and 4-5 of co-pending application, Serial No. 10/023,197.

Claims 25-26, 28, 33, and 41-43 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4-6, 11-13, 16, 21, and 23 of U.S. Patent No. 5,975,090; and, claims 12 and 17-19 of U.S. Patent No. 6,176,977.

Claims 25-26, 28, 33, 38, and 41-43 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 7-8, 12, 14, and, 17-22 of U.S. Patent No. 6,312,507.

Applicants do not necessarily agree with each judicially created obviousness type-double patenting rejection. However, in order to expedite issuance of the claims, Applicants are timely filing a Terminal Disclaimer herewith. Applicants respectfully assert that this Terminal Disclaimer overcomes the outstanding double patenting rejections listed above, and puts the above listed claims in condition for allowance.



V. Claims rejected under 35 U.S.C. § 103(a)

Applicants thank the Examiner for withdrawing the 35 U.S.C. § 103(a) rejections of claims 25-33, 35-37, 39, 41-52, 54-56, and 58-60, based on Krause (U.S. Patent No. 5,578,112), and of claims 34, 40, 53, and 57 based on Krause in view of Thompson (U.S. Patent No. 5,315,838).

In the Office Action of February 19, 2003, claim 61 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Krause. Applicants respectfully disagree with the rejection of claim 61 and with many of the assertions relating to claim 61 that were stated in the Office Action. However, in order to expedite issuance of the remaining claims, Applicants have cancelled claim 61 without prejudice to or disclaimer of the invention therein.

Conclusion

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned before an advisory action is issued in order to avoid any unnecessary filing of an appeal.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 4/15/03

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